



Connecticut Department of Environmental Protection  
Release Reporting Advisory Committee  
December 11, 2007  
**Summary of Meeting Notes**

Approximately 22 stakeholders and 9 DEP staff attended the December 11, 2007 meeting.

**Agenda Item 1 – Opening Comments**

Co-chair Mark DeCaprio and co-chair Carol Violette opened the December 11, 2007 Release Report Advisory Committee meeting at approximately 9:41 am. Director DeCaprio asked all members to introduce themselves due to new members present.

To stay informed of the Advisory Committee activities, Carol encouraged all members to sign up with the DEP-SPILLAdvComm list serve. Members who sign up will receive emails regarding new or updated web pages. It was announced (throughout the meeting) that there is a need for additional members with expertise and experience to assist the workgroups to reach their goals and objectives. Members were also encouraged by co-chairs to pass the word to others who may be interested in participating in the Department's new reporting requirement initiative.

**Agenda Item 2 – Workgroup Reports**

**Integration/Simplicity Workgroup**

Lori Saliby provided the Advisory Committee with an overview of the current Integration/Simplicity workgroup efforts. It was reported that the workgroup focus is on implementation criteria including the nature of reportable requirements and definitions. The workgroup is building upon the 1994 draft regulations concerning the reporting of releases and the 1998 Recommended Strategy for Release Reporting. The workgroup is exploring the following:

- Researching concepts of containment and impermeability and how to measure.
- Looking for ways to define words and not write regulations within definitions.
- Exploring significant environmental hazards requirements potentially covered in RSR's and 1994 draft regulations.

The workgroup learned that DEP is currently working on E Reporting and is interested in learning what forms and types of data are going to be required for release reporting.

The workgroup is very interested to hear from the Other State Reporting/Model workgroup to find out the proposed structure and direction that the draft regulations may take, preferable before the next workgroup meeting scheduled for December 17, 2007 at 1:30 pm.

### **Risk Assessment Workgroup**

Lori Saliby began her briefing by extending an invitation to all members to join the Risk Assessment Workgroup. It was reported that the current members have expressed a lack of diversity in the workgroup and new members would be helpful in order for the workgroup to achieve its' goals.

Goals of the Risk Assessment Workgroup include:

- Recommending reporting thresholds that are consistent with risk.
- It was noted the workgroup is building upon the 1994 draft regulation concerning the reporting of releases and the 1998 Recommended Strategy for Release Reporting and that these documents did not mention the issue of environmental persistence;
- Reporting criteria and exemptions;
- Evaluating issue of exemptions;
- How to measure quantities;
- Indoor vs outdoor releases;
- Significant hazards notification process; and,
- Environmental persistence – How long chemicals last in the environment.

A member asked what is the meaning of Risk Assessment as it applies to the workgroup. Lori replied that risk assessment using degree of environmental persistence, toxicity, etc. to determine reporting requirement. Considering issues such as effect it has on human health, environment, and animals.

### **Other State Reporting/Models.**

Peter Zack provided an overview of the workgroup efforts. The workgroup met twice through conference calls since the October 31<sup>st</sup> Kick-off Meeting - November 15 and December 4, 2007. It was announced that the workgroup has established a meeting schedule.

The workgroup agreed to work within the 1994 draft regulation framework concerning the reporting of releases and the 1998 Recommended Strategy for Release Reporting when evaluating other state reporting requirement models.

Members are in the process of reviewing specific state reporting requirement models for key elements. Such as: definitions, reporting criteria, exceptions, reporting procedure, mitigation, removal and disposal, information to report, record keeping for nonreportable releases to impermeable containment systems or surfaces, applicability to preexisting conditions. It was reported that the group is looking at ways to provide the results so that the results may be looked at from a consistent manner. It was noted that an outline was drafted to serve as a tool to members in gathering the information from each state, however it proved to be cumbersome for some of the states findings.

Florida – Peter Zack

Massachusetts – Paula Hamel

Michigan – Carol Violette

New Hampshire – Pat Horgan

New Jersey – Patrick Geier

New York – Dean Applefield

Pennsylvania – Patrick Geier

Federal regulations– Ann Peters

After an initial review, it was noted that two models emerged for further analysis – Michigan and Massachusetts. Peter indicated the workgroup thought these two models were concise, workable, risk-based, and shared similarities with Connecticut's environment. The workgroup summarized that the other states were either similar or generic such as New Jersey. Florida appears to use statutes and regulations within the program and refers to the federal reporting requirements. It was stated that the federal RQs were developed by the federal government to establish broad federal authority to deal with releases of threats of hazardous substances. The purpose of the federal notification is to ensure that releasers notify the government so that the government can assess the need to respond to the release. The reportable quantities, in themselves, do not conclude that releases of a particular size are actually harmful to public health or the environment. These RQ's are levels (minimum qualities) that would determine federal interest.

Carol Violette stated that the workgroup is not focused on only one or two states; the workgroup is exploring possible models and framework to set up for our release reporting regulations. Carol briefly discussed the Michigan reporting scheme, which is made up of 27 different state and federal regulations. The Michigan Department of Environmental Quality developed a table to assist owners and operators of facilities, determine their potential notification and reporting requirements in the event of a chemical release. The table is used as a tool to identify potential reporting requirements before a release occurs. The table outlines what releases must be reported, when they must be reported and to whom they must be reported. Carol passed out a copy of the table to view. Carol also pointed out that many permits also call for additional release reporting requirements such as the sewage system, RCRA, air pollution, dry cleaning, usts, and water programs that are not included in the table.

Carol indicated that Michigan has different types of written follow-up report forms, depending on the type of releases and a generic written report release. Carol reported that the process appears to be simpler in the end than to have one form for all types of releases.

Carol concluded her briefing by extending an invitation to all members to join the workgroup and to work towards achievement of the workgroups' goals and objectives.

The following questions were asked:

- How long has Michigan has reporting requirements in place?
  - *Not known at this time.*
- Does the program support historical release reporting?
  - *Yes*
- How long did it take to go through the table to identify the release type and to figure out what and to whom to report?
  - *very quickly and friendly – table served as a tool*

Robert Bell, Assistant Director, DEP Remediation Division, was asked to give a brief overview of Massachusetts due to his familiarity with Massachusetts reporting regulations. It was reported that Massachusetts has a comprehensive regulatory/statutorily reporting scheme that contains

requirements and procedures for notifying the Department of releases and threats of releases of oil and hazardous material, which are subject to the provisions of this Contingency Plan. The following description was provided regarding the Massachusetts model:

- It was stated that “knowledge” is the trigger to reporting, to identify those releases and threats of releases of such oil and hazardous material that require notification
- Massachusetts supports Reportable Quantities and reportable concentrations are set in the regulations. There is also a sensitive receptive provision.
- There are times and procedures for notification such as 2 hour, 72 hour and 120 day provisions.
- One Release Notification Form is used to report releases.
- No notification required for indoor releases unless there is a potential release to the environment. It was mentioned that the federal law may apply to indoor spills
- A threat of a release must be reported such as an outdoor tank, containment area and so forth.
- There are statutorily exemptions.
- Massachusetts supports the use of a Licensed Site Professional to assess/evaluate cleanup of spills.
- Massachusetts does have the enforcement tools to address the failure to notify and exit ramp provisions.
- Massachusetts does not have a voluntary cleanup program.

The following questions were asked:

- To Co-Chair Carol Violette – Does CT see the expansion of the LEP program to document the cleanup work of when a spill case is closed? Not determined at this time.
- To Robert Bell
  - How many reports are received by Massachusetts?
    - *Not known*

### **Closure Workgroup**

Peter Zack reported the Closure workgroup has not met and plans to meet after the other workgroups have moved forward with their goals and objectives.

### **Historical Releases Workgroup**

Peter Zack announced that this workgroup has not met and plans to meet after the first of the year.

### **Agenda Item 3 – CBIA Presentation**

Eric Brown indicated that he is encouraging his CBIA members to join the existing DEP Advisory Committee and workgroups. Eric asked to be placed on each of the workgroups mailings so that he can be notified of all meetings.

## **Agenda Item 4 – Review of Waterford RT95 Tanker Release**

Mark DeCaprio provided the Committee with a presentation illustrating the various emergency response roles and protocols that took place during the Waterford RT 95 Tanker Release. Mark explained the DEP site objectives for this incident included integrating with the incident command system, identifying the hazard, mitigating the hazard, containing the product, identifying sensitive receptors and recovering the product.

## **Agenda Item 5 – Open Discussion**

The co-chairs opened the floor to all members for discussion on any issues or concerns.

- Eric Brown asked that he be included on the individual workgroup lists so that he is aware of the meetings and can pass the information to his constituents.
- Patrick Geier indicated that the Other State Reporting Models workgroup only took a cursory look at the states and highlighted specific topics. There is a need to continue to look at all the states for clarity and usefulness.
- A member asked if the LEP Board would weigh in the process and indicated that we need to keep records of what we looked at for future reference. Carol Violette indicated she would bring up the invitation at the next LEP Board meeting
- Another member indicated the need to identify general goals and articulate specific goals so the workgroup keeps sight of them.
- One suggestion was for a workgroup to develop a list of items that DEP will not accept and RQ's that DEP would accept to help streamline the Advisory Committee process.
- A brief discussion took place on taking minutes or summaries of each workgroup and making them available on the web. The Co-chairs indicated that such Advisory Committee Summary of Meeting Notes would be made available and shall serve as summaries only and not subject to legal interpretation as minutes. These will be posted on the web so people that miss a meeting will be better able to catch up and know what the committee has accomplished.

Other member comments included:

- Depending on the interpretation --cost of doing business, loss of manufacturing, the consequence of --concerns with how far are we going to move away from picking up the phone and public health concerns. Do we want to move away from current reporting process? Everyone knows it.
- Need to have a more specific discussion on federal reportable quantities possibly at the January 8 meeting.
- Uncomfortable with the scenario of retaining/hiring of LSP.
- If we choose CT RQ's what science is going to be used to justify reportable quantity?

- CT RQ's – clear concise easy roles to report.
- Is the DEP looking to reform remediation in CT?
- Are we developing spill regulations that mix remediation in? – while RSR's are under review.
- Looking at difficulties in LEP issues now causes concern – if remediation is a part of it.

### **Agenda Item 6 – Next Steps**

Co-chairs stated that the DEP will articulate general goals for the Advisory Committee as requested.

The workgroups will continue to meet and provide us with summaries of such meetings. The summaries will be posted on the website.

One possible agenda item for the next meeting may be a discussion on federal reporting requirements.

### **Agenda Item 7 – Adjournment**

The meeting of the Release Reporting Advisory Committee ended approximately 11:50 am.